

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,

No. 2:01-cv-01979-KJN P

Plaintiff,

v.

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE DISCOVERY

SAM BESS, et. al.,

Defendants.

WHEREAS, on September 14, 2010 the court ordered the following deadlines regarding discovery:

Initial Disclosures:	October 1, 2010
Discovery Motions:	October 28, 2010
Non-Expert Discovery:	November 19, 2010
Expert Disclosure and Reports:	January 31, 2011
Rebuttal Expert Disclosure and Reports:	March 31, 2011
Close of Expert Discovery:	May 31, 2011
Last Day to Hear Dispositive Motions:	July 28, 2011; and,

WHEREAS, all parties have served Initial Disclosures; and

WHEREAS, Plaintiff REX CHAPPELL's deposition was taken on September 23, 2010; and,

WHEREAS, Defendant CHERYL K. PLILER's deposition was taken on October 21, 2010; and,

1 WHEREAS, Defendant SAM BESS's deposition was taken on October 25, 2010; and
2 WHEREAS, Defendant M.D. QUIST's deposition was taken on October 26, 2010; and
3 WHEREAS, pursuant to FRCP Rule 30, and estimates provided by the deposition court
4 reporter to Plaintiff's counsel and attorneys for SAM BESS and CHERYL PLILER, review of
5 the deposition transcripts will not be concluded until approximately the middle of December,
6 2010, and,

7 WHEREAS, Defendant M.D. QUIST has propounded written discovery on Plaintiff REX
8 CHAPPELL the date said discovery being due October 28, 2010; and,

9 WHEREAS, Defendant SAM BESS has pounded written discovery on Plaintiff REX
10 CHAPPELL, the date of said discovery being due on or about October 29, 2010; and,

11 WHEREAS, according to his counsel's understanding Plaintiff REX CHAPPELL is an
12 inmate housed in High Desert State Prison, Susanville, California and only able to communicate
13 with counsel via written mail; and

14 WHEREAS, the parties are willing to enter into an agreement to extend the due date of
15 currently pending written discovery responses to a date certain or agreed upon between the
16 propounding and responding parties; and,

17 WHEREAS, based on the foregoing facts, IT IS HEREBY STIPULATED AND
18 AGREED BY AND BETWEEN THE UNDERSIGNED PARTIES OR COUNSEL FOR THE
19 PARTIES HERETO the parties hereby respectfully ask the court to extend the deadlines as
20 follows:

21 Filing of Non-Expert Discovery Motions:	January 14, 2011
22 Close of Non-Expert Discovery	February 17, 2011
23 Expert Disclosure and Reports:	April 29, 2011
24 Rebuttal Expert Disclosure and Reports:	June 29, 2011
Close of Expert Discovery:	August 29, 2011
Last Day to Hear Dispositive Motions:	October 30, 2011.

25 Dated: 10/29/2010

LIBERSON & WOLFORD, LLP

26 By: /s/ Philip G. Allingham
27 JOEL K. LIBERSON
28 PHILIP G. ALLINGHAM
Attorneys for Plaintiff

1
2 Dated: 10/29/2010

MORENO & RIVERA

3 By: /s/ Jesse M. Rivera

4 JESSE M. RIVERA

Attorneys for Defendant, SAM BESS

5
6 Dated: 10/29/2010

EDMUND G. BROWN, JR.

Attorney General of California

7 TRACY S. HENDRICKSON

Supervising Deputy Attorney General

8 JAMES E. FLYNN

Deputy Attorney General

9
10
11 By: /s/ James E. Flynn

JAMES E. FLYNN

Deputy Attorney General

Attorneys for Defendant, PLILER

12
13
14 Dated: 10/29/2010

ANGELO, KILDAY & KILDUFF

15
16 By: /s/ Susan A. DeNardo

SUSAN A. DeNARDO

Attorneys for Defendant, M.D. QUIST

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[PROPOSED] ORDER

GOOD CAUSE APPEARING, the court sets the following deadlines:

Filing of Non-Expert Discovery Motions:	January 14, 2011
Close of Non-Expert Discovery	February 17, 2011
Expert Disclosure and Reports:	April 29, 2011
Rebuttal Expert Disclosure and Reports:	June 29, 2011
Close of Expert Discovery:	August 29, 2011
Last Day to Hear Dispositive Motions:	October 30, 2011.

The substance of the court's prior discovery orders shall remain in effect.

Dated: November 1, 2010

/s/ Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE